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Dkt. 68262-A/JPW/PJP

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Peter Brink et al.  
Serial No. : 10/757,827  
Filed : January 15, 2004  
For : **MESENCHYMAL STEM CELLS AS A VEHICLE FOR ION  
CHANNEL TRANSFER**

1185 Avenue of the Americas  
New York, New York 10036  
November 4, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

**INFORMATION DISCLOSURE STATEMENT**

In order to ensure compliance with applicants' duty of disclosure under 37 C.F.R. §1.56 and §1.97(a)-(d), applicants hereby submit this Information Disclosure Statement.

An International Search Report in a corresponding PCT case was issued July 27, 2005.

In compliance with his duty of disclosure under 37 C.F.R. §1.56, applicant directs the Examiner's attention to the following references, which are listed on the accompanying form PTO-1449 (Exhibit A). References 1 to 5 are attached hereto as Exhibits 1 to 5 respectively.

11/08/2005 ZJUHA1 00000047 10757827

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180.00 OP

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Serial No. : 10/757,827  
Filed : January 15, 2004  
Page 2

1. U.S. 5,591,625 to Gerson et al. Exhibit 1;
2. U.S. 6,387,369 B1 to Pittenger et al. Exhibit 2;
3. Potapova, I. et al., Human Mesenchymal Stem Cells as a Gene Delivery System to Create Cardiac Pacemakers, Circ Res. April 2004, Vol. 94, No. 7, pages 952-959, Exhibit 3;
4. Michael Rosen et al., Genes, stem cells and biological pacemakers, Cardiovasc Res. October 2004, Vol. 64, No.1, pages 12-23, Exhibit 4;
5. Qu, J. et al. Expression and function of a biological pacemaker in canine heart. Circulation, March 2003, Vol. 107, No. 8, pages 1106-1109, Exhibit 5;

Applicants maintain that the above-listed reference does not disclose or suggest applicants' claimed invention.

Applicants also submit herewith as Exhibit B a copy of the International Search Report in connection with corresponding PCT application No. PCT/US04/00950, and a copy of the Written Opinion.

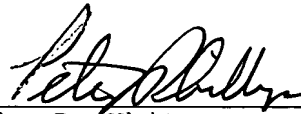
If a telephone conference would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone at the number provided below.

Applicants submit the fee of \$180 in accordance with 37 C.F.R. § 1.17(p). No other fee is believed to be due in connection with the filing of this Information Disclosure Statement. However, if any other or additional fee is required, authorization is hereby

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given to charge the amount of any such fee to Deposit Account No.  
03-3125.

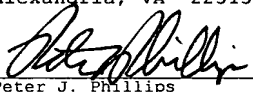
Respectfully submitted,

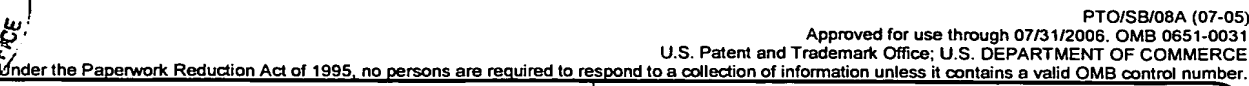


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Peter J. Phillips Date  
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**Complete if Known**

Sheet	1	of
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Application Number	10/757,827
Filing Date	January 15, 2004
First Named Inventor	Peter Brink et al.
Art Unit	
Examiner Name	
Attorney Docket Number	0575-68262-A

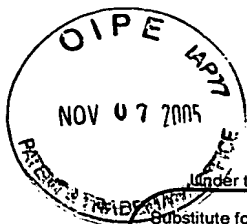
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Examiner Signature		Date Considered	
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**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	10/757,827
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Art Unit	
Examiner Name	
Attorney Docket Number	0575-68262-A

Sheet	2	of	2
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**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	3	POTAPOVA, I. et al., Human Mesenchymal Stem Cells as a Gene Delivery System to Create Cardiac Pacemakers, Circ Res. April 2004, Vol. 94, No. 7 pages 952-959.	
	4	ROSEN, Michael et al., Genes stem cells and biological pacemakers, Cardiovasc Res. October 2004, Vol. 64, No. 1, pages 12-23.	
	5	QU, J. et al., Expression and function of a biological pacemaker in canine heart. Circulation, March 2003, Vol. 107, No. 8, pages 1106-1109.	

Examiner Signature		Date Considered	
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1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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